

REMARKS

In response to the Patent Office Action of July 28, 2004, the Applicant respectfully requests reexamination and reconsideration. In order to further the prosecution of this application, claim 1 has been amended and the Applicant has also added new claims 2-24. It is believed that all claims in this application should now be in condition for allowance.

In the Patent Office Letter the Examiner has set forth a rejection under 35 U.S.C. 102 relying upon five different references with only the first reference, namely, U.S. Patent No. 6,135,762 to Hu being a rejection under 35 U.S.C. §102(b). All of the other rejections are under 35 U.S.C. §102(e).

The device described in the present application is in the form of an elongated housing that embodies an automatic safety feature to decrease the possibility of inadvertent lighting, providing increased safety to users, especially children. In this regard, the safety device of the present invention functions so that the index finger of the user supports the rear part of the lighter and the safety button is disposed correspondingly to the index finger. When the ignition button is pushed by the user's thumb, the safety button is easily and naturally pressed in order to unlock the safety device, rendering ignition in a ready manner.

With respect to the prior art that the Examiner has cited, in all of these patents this relationship between the safety button and the ignition button is not taught. For example, in the Hu U.S. Patent 6,135,762 the ignition and safety buttons are not disposed on opposite sides or opposite side walls of a housing, as in accordance with the present invention. The same can also be said for all other references relied upon by the Examiner. These references, for the most part, are trigger-type ignitors and are not a long slender lighter housing with buttons on opposed walls.

Now, with respect to the claims of this application, it is noted that amendments have been made in claim 1 and, furthermore, several dependent claims have been added relating to claim 1, along with a second independent claim, namely, claim 12. In claim 1 it is noted that the housing is now defined as an elongated housing having opposed sides. Moreover, the ignition and safety buttons are now defined as being arranged on these opposed respective sides. A further amendment

has been made in claim 1 to define the actuating member as being separately pivotally supported from yet operatively responsive to the ignition button for controlling an ignition source. These amendments to claim 1 should now place this claim in allowable condition.

In addition to the amendments in claim 1, dependent claims 2-11 have also been added to this application. These dependent claims recite further features clearly not found in the art are relied upon by the Examiner. For example, claim 2 finds the position of the safety button relative to the ignition button, the safety button being higher on the housing. Claim 3 finds the nature of the safety button as a sliding button while the ignition button is pivotal. These features are clearly not found in the cited prior art, particularly when taken in combination with the recitations in claim 1.

Claim 12 has also been added to this application as a second independent claim. This claim also defines a longitudinal housing having upper and lower ends and one and another opposed side walls. The ignition button is defined as extending through and supported by the housing and is further defined as being disposed between the upper and lower ends and arranged on said one side wall of the housing. The safety button is similarly defined as between the upper and lower ends and arranged on the other side of the housing. The actuating member is also defined as being independently pivotally supported adjacent the ignition and safety buttons. Furthermore, the actuating member is defined as having an arm that is urged by the ignition button to an igniting position when the safety button is in its release position and blocks the ignition button when the safety button is in its locked position. Again, the prior art cited by the Examiner is not believed to show the combination as now set forth in claim 12.

The Applicant has also added dependent claims 13-24 that depend either directly or indirectly from claim 12. These recite further features not found in the prior art, particularly when taken in combination with the recitations in claim 12. For example, claim 14 defines the safety button as located on one side of the housing at a position that is closer to the upper end of the housing than the location of the ignition button so as to more naturally match the buttons to the hand position of the user. Claim 14, as another example, recites that the safety button is supported to slide in a

longitudinal direction of the housing while the ignition button is supported to pivot into the housing. Other claims, such as claim 24 recite substantial structural details of the structure of the present invention clearly not found in the cited references.

CONCLUSION

In view of the foregoing amendments and remarks, the Applicants respectfully submit that all of the claims pending in the above-identified application are in condition for allowance, and a notice to that effect is earnestly solicited.

If the present application is found by the Examiner not to be in condition for allowance, then the Applicants hereby request a telephone or personal interview to facilitate the resolution of any remaining matters. Applicants' attorney may be contacted by telephone at the number indicated below to schedule such an interview.

The U.S. Patent and Trademark Office is authorized to charge any additional fees incurred as a result of the filing hereof or credit any overpayment to our deposit account #19-0120.

Respectfully submitted,
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